

REMARKS/ARGUMENTS

Claims 1-26 and 48-55 are canceled. Claims 27-47 are pending. Claim 27 is amended. No new matter is added. Applicants respectfully request reconsideration of the rejections.

Claims 27-47 have been rejected under 35 U.S.C. 112, second paragraph as indefinite in the recitation of the term "at least about 5 nucleotides in length". Without conceding to the correctness of the rejection and without prejudice to refiling of the original scope, Applicants have amended Claim 27 to delete the term "about". Withdrawal of the rejection is requested.

Claims 27-47 have been rejected under 35 U.S.C. 112, first paragraph. The Office Action states that the specification is enabling for markers with mismatches of at least 5 nucleotides where the second mismatch is 4 nucleotides or less, but does not reasonably provide enablement for markers of four or less mismatched nucleotides where the second mismatch is four nucleotides or less.

Without conceding to the correctness of the rejection and without prejudice to refiling of the original scope, Applicants have amended Claim 27 to recite that the claimed method of sorting duplexes is directed to a duplex having a mismatch of from 1 to 4 contiguous nucleotides in length. In view of the above amendments and remarks, Applicants respectfully submit that the presently claimed invention meets the requirements of 35 U.S.C. 112, first paragraph. Withdrawal of the rejection is requested.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

USSN: 10/081,771

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number UCSF-127CIP2.

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Respectfully submitted,
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